

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELWOOD QUESADA *et al.*,

Plaintiffs,

vs.

BANC OF AMERICA INVESTMENT SERVICES,
INC. N/K/A MERRILL LYNCH, PIERCE,
FENNER & SMITH, INC.,

Defendant.

Case No.: 11-CV-01703 YGR

ORDER STRIKING MOTION OF DEFENDANT
TO STRIKE

Defendant has filed a “Motion to Strike the Declaration of Siobhan Fitzgerald filed August 28, 2012” (Dkt. No. 79), which has been noticed for hearing on October 16, 2012. The motion appears to be no more than an evidentiary objection submitted in a separate document, contrary to Local Rule 7-3(a) and (c) (evidentiary objections must be contained within the brief or memorandum).

Therefore, the Motion to Strike is **STRICKEN** as improperly filed. The parties are advised that the Court will consider only admissible evidence.

The hearing set for October 16, 2012 is **VACATED**.

This Order Terminates Docket Number 79.

IT IS SO ORDERED.

Date: October 1, 2012



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE